24th February 1930]

Criminal Justice

Action taken on Mr. Justice Waller's judgment in Mr. Collett's appeal.

* 1441 Q.—Mr. F. E. JAMES : With reference to the answer to the question No. 1867-A given on the 25th March 1929, will the hon. the Law Member be pleased to state—

(a) whether the Government have considered the explanations of the officials concerned ;

(b) whether these explanations were forwarded to a committee of three High Court Judges for their perusal and report ;

(c) what is the nature of the report presented by the committee ;

(d) what action, if any, Government have taken as a result of the report ; and

(e) whether the Government will place the report on the table of the Legislative Council ?

A.—(a) Yes.

(b) The Government requested three of the hon. the Judges of the High Court to examine the papers including the explanation of the Chief Presidency Magistrate and state whether in their opinion the documents disclosed sufficient grounds for formal proceedings against him.

(c) Two of the hon. the Judges came to the conclusion that there were no grounds for proceeding against the Chief Presidency Magistrate, while the third Judge held the contrary view.

(d) The Government having considered the report of the Judges agreed with the majority. The papers were accordingly recorded.

(e) No.

Diwan Bahadur P. C. ETHIRAJULU NAYUDU :—" Is it not a fact that the attack on the Chief Presidency Magistrate by Justice Waller was based up on a reading of his evidence made by the trial court ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" I believe that Mr. Justice Waller based his remarks entirely on the evidence on record before him."

Diwan Bahadur P. C. ETHIRAJULU NAYUDU :—" Is it a fact that the evidence taken consisted only of notes neither read over to the Chief Presidency Magistrate nor acknowledged by him to be correct ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" Yes, Sir."

Diwan Bahadur P. C. ETHIRAJULU NAYUDU :—" In view of the fact that there is considerable feeling in the country in regard to this matter, may I know whether Government will be pleased to place on the table of the House the explanation of the Chief Presidency Magistrate and the observations of the Committee thereon ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" No. Sir. It is not in public interests to publish these papers."

Diwan Bahadur P. C. ETHIRAJULU NAYUDU :—" May I know whether the matter is so confidential ? . . . "

The hon. the PRESIDENT :—" The answer of the Government is not that the matter is confidential, but that it is not in the public interest to publish it."